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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 0112855.00122US2	
	Application Number 10/657,421-Conf. #9023	Filed September 8, 2003
	First Named Inventor Jordan COHEN et al.	
	Art Unit 2626	Examiner P. D. Shah

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant /inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 32,590
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.

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March 29, 2010
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of 1 forms are submitted.

The examiner rejected claim 1-3, 6-7, 9, 12 and 15 under 35. U.S.C. § 103(a) as being unpatentable over European Patent Application EP 1,271,469 to Marasek et al., in view of U. S. Patent No. 5,796,916 to Meredith (Meredith), in view of U.S. 6,081,780 to Lumelsky (Lumelsky), in view of International Publication No. WO 02/097590 to Cameron (Cameron). But for the following reasons we believe that the combination of Marasek's system with the teachings of Meredith, Lumelsky, and Cameron, does not produce the invention of claim 1.

The examiner argues that Marasek performs speech recognition on the spoken word to generate a recognized word and in support of that he directs our attention to Fig. 1, step S12 and ¶ [0040]. Then, the examiner argues that in Marasek's system "speech synthesis is performed on the input speech by applying prosody to a given text and he appears to point to steps S40 and S50 in Fig. 1 as well as to [0046].

We note, however, that this characterization of Marasek is not accurate. Marasek does not perform speech synthesis on input speech, he performs it when generating speech in, for example, a dialogue system (e.g. see [0024]), which involves producing speech from templates or stored responses. Marasek never even hints at performing speech synthesis to reproduce the very same speech (or word) that was received and in response to receiving that speech (or word). That would involve receiving an utterance and then playing that received utterance back as synthesized speech, something that Marasek does not do and is not described by Marasek.

In addition, applying prosody "to a given text" is not the same as applying prosody to the recognized word. More specifically, it is not the same as "generating a prosodic mimic word from the synthesized nominal word and the extracted one or more prosodic parameters," wherein the synthesized nominal word is synthesized from the recognized word, as is required by the claims. Marasek makes clear that his system is for constructing personality patterns that can be used later when generating synthesized speech. There is no suggestion by Marasek that it be used to synthesize the very same speech that was just received, which of course already has the personality pattern of the speaker. Marasek makes his approach clear in the following statement:

> The speech features are then directly or indirectly used to construct a personality pattern which can lateron be used to reconstruct a speech output with the mimic of the speech input and its speaker. ¶ [0006] (emphasis added).

There is no need in Marasek to synthesize the vary same speech that was just received since it already most accurately reflects the sounds of the speaker, i.e., it already has the prosody of the speaker. Certainly, Marasek has not provided a reason for taking such an approach.

It is worth reiterating a major difference between the claimed invention and Marasek. Marasek says nothing about performing two steps in response to receiving an utterance, wherein the two steps involve: first generating a recognized word from that spoken utterance; and then synthesizing that recognized word. Marasek simply says that the extracted prosody can be used later to synthesize words which have the personality of a particular speaker.

It is conceivable that Marasek would later synthesize a word that is the same as the recognized word in the received utterance. However, that is not what is claimed. That later synthesis is not in response to receiving the original utterance containing that same word.

One aspect of the invention which is of particular value is performing both of those steps in response to receiving an utterance. This enables a mobile device to provide audio feedback to the user indicating whether the device has correctly recognized the utterance and to do so using prosody that most sounds like that of the speaker, a prosody that is more likely to be intelligible to the user. The specification explains that point this way:

> [0011] These and other aspects of the invention provide improved speech synthesis, especially in small mobile devices such as mobile telephones with voice activated commands and user interfaces. In one respect, better synthesis of audible confirmation messages is enabled, the audible confirmation messages having prosodic attributes resembling those of the user. Better speech synthesis sounds more natural and is more understandable to humans, therefore the present invention improves the usefulness and intelligibility of audible user interfaces.

For the reasons presented above, we submit that the claims are in condition for allowance and therefore request that they be allowed to issue.